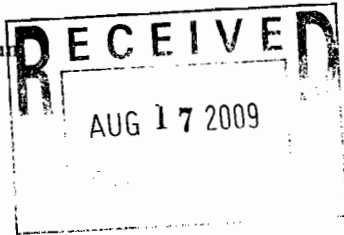


JOSEPH, HERZFELD, HESTER & KIRSCHENBAUM LLP  
Attorneys at Law

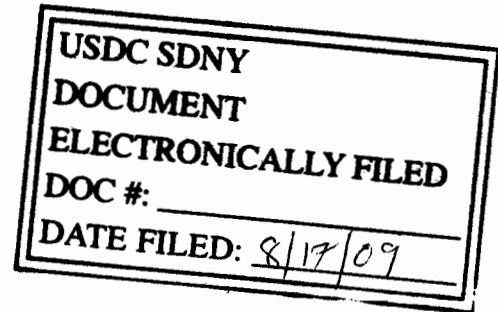
Charles Joseph  
Diane Hester  
D. Maimon Kirschenbaum  
Amy Zobel  
Michael D. Palmer  
Brian F. Fredricks  
Denise A. Schulman

Counsel:  
Michael DiChiara\*  
\*Also admitted in NJ & MA

757 Third Avenue, 25<sup>th</sup> Floor  
New York, NY 10017  
Phone (212) 688-5640  
Fax (212) 688-2548  
www.jhllp.com



**MEMO ENDORSED**



August 14, 2009

VIA HAND DELIVERY

Honorable Denise L. Cote  
United States District Court  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007

*Re: Andreas Pefanis, et al., v. Westway Diner, Inc.*  
*Index No.: 08CIV002 (DC)*

Dear Judge Cote:

We represent Plaintiffs in the above-captioned matter. On August 11, 2009, the Court Ordered Plaintiffs to arrange a settlement conference before Judge Maas on or before August 14, 2009. However, pursuant to the Court's February 22, 2008 referral of this matter to Magistrate Judge Eaton for settlement purposes, the parties had already scheduled a settlement conference before Magistrate Judge Eaton for August 17, 2009. We respectfully request that this be deemed in accordance with the Court's Order.

Thank you for your attention to this matter.

Respectfully submitted,

JOSEPH, HERZFELD, HESTER & KIRSCHENBAUM LLP

By: \_\_\_\_\_  
D. Maimon Kirschenbaum

cc: Arthur Forman, Esq.

*The reference to Judge  
Maas was the Court's  
error. The parties  
need not contact  
Judge Maas.  
Denise Cote  
August 17,  
2009*